

A CERTIFIED TRUE COPY

APR - 7 2005

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

05

CV

3896

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAR 22 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1598

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE EPHEDRA PRODUCTS LIABILITY LITIGATION**(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-16)**JUDGE RAKOFF
FILED
4/18/05

On April 13, 2004, the Panel transferred 14 civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 264 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Jed S. Rakoff.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Southern District of New York and assigned to Judge Rakoff.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of April 13, 2004, 314 F.Supp. 2d 1373 (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable Jed S. Rakoff.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. BeckMichael J. Beck
Clerk of the PanelInasmuch as no objection is
pending at this time, the
stay is lifted.

APR - 7 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONA CERTIFIED COPY
J. MICHAEL McMAHON,

CLERK

BY

Jessica Rose
DEPUTY CLERK

PAGE 1 OF 2

**SCHEDULE CTO-16 - TAG ALONG ACTIONS
DOCKET NO. 1598
IN RE EPHEDRA PRODUCTS LIABILITY LITIGATION**

DISTRICT DIV. C.A.#

ALABAMA NORTHERN

ALN 4 05-210

Brenda Graves, etc. v. Metabolife International, Inc.

ALABAMA SOUTHERN

~~ALS 1 02-52~~

~~Joy Laster, etc. v. Metabolife International, Inc., et al. Opposed 4/7/05~~

CALIFORNIA SOUTHERN

CAS 3 05-218

Terry Kress v. Metabolife International, Inc., et al.

CONNECTICUT

CT 3 05-278

Francine Lewicki v. Metabolife International Inc., et al.

FLORIDA MIDDLE

FLM 6 04-1839

Rafael Irizarry, etc. v. N.V.E., Inc.

FLORIDA NORTHERN

FLN 3 05-35

Lori Jenkins, et al. v. Muscletech Research & Development, Inc., et al.

FLN 3 05-36

Michelle Lynne Burns v. Muscletech Research & Development, Inc., et al.

GEORGIA NORTHERN

GAN 1 05-363

Teresa Ball, et al. v. Metabolife International, Inc., et al.

ILLINOIS NORTHERN

ILN 1 04-7248

Joshua Theis v. Next Proteins, Inc., et al.

ILN 1 05-622

James Oppenheim, etc. v. Metabolife International, Inc.

ILN 3 05-50027

Darla K. Morrissey, et al. v. Metabolife International, Inc., et al.

ILLINOIS SOUTHERN

ILS 3 04-831

Dorothy Porter v. Kaire, Inc., et al.

INDIANA SOUTHERN

INS 1 04-2120

Joan Cole v. N.V.E., Inc.

LOUISIANA EASTERN

LAE 2 02-332

Louis Stevens, et al. v. Vitafree.com, Inc.

MASSACHUSETTS

MA 1 05-10048

Lauren Floro v. Metabolife International, Inc., et al.

MISSOURI EASTERN

MOE 4 05-179

Cynthia Reynolds, et al. v. Metabolife International, Inc., et al.

MOE 4 05-305

Joaquinta Brooks v. Vitamin World, Inc.

MISSISSIPPI NORTHERN

MSN 2 05-46

Barbara Todd v. Metabolife International, Inc.

MSN 4 05-41

Jason Hill, et al. v. Metabolife International, Inc., et al.

SCHEDULE (CTO-16) - TAG ALONG ACTIONS (MDL-1598)

PAGE 2 OF 2

DISTRICT DIV. C.A.#

MISSISSIPPI SOUTHERN

MSS	1	05-81	Henry Patterson v. Metabolife International, Inc., et al.
MSS	2	05-49	Diane Nix v. Metabolife International, Inc., et al.
MSS	5	05-23	Rosie Walton v. Metabolife International, Inc., et al.
MSS	5	05-25	Rose Cooper, et al. v. Rexall Sundown, Inc., et al.

OHIO NORTHERN

OHN	1	05-171	Deborah Freeman, et al. v. Metabolife International, Inc.
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OHIO SOUTHERN

OHS	2	05-133	Roger Carsey v. Metabolife International, Inc.
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TEXAS SOUTHERN

TXS	3	05-59	Phyllis Hart v. Metabolife Corp., et al.
TXS	4	05-471	Linda Raley v. NVE, Inc., et al.

UNITED STATES DISTRICT COURT
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, N.Y. 10007
(212)805-0136

J. Michael McMahon
Clerk

USDC DISTRICT OF MASSACHUSETTS

Date: 4/18/05

In Re: EPHEDRA

MDL 1598

Your Docket #

S.D. OF N.Y.

1:05—10048 - *REK*

05 CV 3896

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge RAKOFF for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting YOUR FILE and a CERTIFIED COPY OF THE DOCKET SHEET.

Sincerely,
J. Michael McMahon

By: Dorothy Guranich
Deputy Clerk

UNITED STATES DISTRICT COURT
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, N.Y. 10007
(212)805-0136

J. Michael McMahon
Clerk

USDC DISTRICT OF MASSACHUSETTS

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Deputy Clerk